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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,288

12/26/2001

Adam Zadok

0119-010

8181

7590

10/18/2007

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EXAMINER

SPISICH, GEORGE D

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/033,288

Applicant(s)

ZADOK, ADAM

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) 27-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 21-38 are pending. Applicant elected the species shown in Figs. 1-6 in the response mailed September 16, 2003. Newly added claims include subject matter that is not shown in the elected Species. Claims 21-26 read on the elected species and claims 27-38 do not read on the elected species. Therefore, Claims 21-26 have been examined in this Office Action and claims 27-38 have been withdrawn. Different types of suspension, whether they be front or rear, or steering and non-steered are properly considered different species.

Furthermore, since the claims that read on the non-elected species are dependent, they conflict with the structure of claim 21 that requires the bell crank to be connected to the spring by one arm and a compensating link by another arm, which only applies to the elected Species shown in Figs. 1-6. This detail does not appear to be a proper description of the bell crank and the elements connected thereto in the non-elected "steered/front" suspension.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21, lines 1-5 are unclear. It is unclear to claim more than one pair of axle assemblies given that they would relate to different species.

Claim 21, lines 10-14 are unclear. It is unclear how the compensating link would perform the movement of the movable arms to vertical movement. There is confusion how and if both the embodiments shown in Figures 1-6 would perform this.

Furthermore, Examiner contends that the embodiment having 2 compensating links (Figs. 1-4), each separately connected to the axle at one end and the bell crank at the other end, would not result in vertical movement of each movable arm. Therefore, the claims that relate to "each compensating link" (claims 22,25 and 26) appear to contradict the independent claim 21. Examiner's position is that claim 21 relates to only Figures 5 and 6. Examiner requests explanation of this claim limitation and how it relates in function to the elected rear suspension embodiments having either compensating link arrangements shown in Figs. 1-4 and Figs. 5 and 6.

Furthermore, in claim 21, it is unclear if Applicant is claiming a plurality of compensating links or the same link.

Claim 21, line 10, "said" lateral movement is unclear and not previously claimed.

Claims 22 and 25 are unclear, it is not previously claimed that there are a plurality of compensating links claimed. The language in claim 21 does not definitively claim more than one compensating link.

Claim 24, lines 3-4 is unclear. It is unclear how there is another arm connected to the compensating link and how the compensating link "forms the lower portion of the bell crank"

Claim 26 is unclear. There is now claimed "said compensating link" which is back to a single compensating link. However claim 26 depends from claim 25, which appears to be claiming a plurality of compensating links.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 1 201 698 (previously cited by Applicant).

DE '698 (see Fig. 1) shows an anti-roll suspension for a vehicle having at least one pair of laterally spaced wheel. The suspension comprising a pair of (spindle/lateral arm) axle assemblies for rotatably mounting one of the pair of laterally spaced wheels. Each axle assembly has a spring assembly (79), that is a coil spring normally disposed in a substantially vertical orientation, supporting the chassis. A movable arm (15,16,15',16') connected between the spring assembly and the chassis, comprising a bell crank for pivotal mounting to the chassis. One arm (15,15') of the bell crank is connected to the spring and the other arm (16,16') is connected to a compensating link

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(18) receiving and translating lateral movement. The compensating link structured to translate lateral movement of the chassis to vertical movement of each movable arm to the spring assembly on the down force side of the chassis, thereby simultaneously lifting the down force side of the chassis and lowering the up force side of the vehicle, similar to and as best as Examiner understands Applicant's invention.

### ***Allowable Subject Matter***

Claims 22 and 24-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As best as Examiner understands Applicant's invention, it appears that these claims, when the 112 rejections are corrected and/or explanations given, would be allowable.

### ***Conclusion***

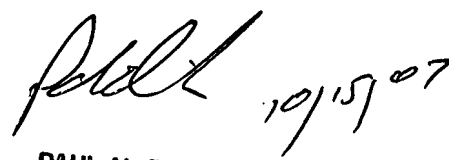
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Braun (USPN 5,765,846), Karpik (USPN 6,357,543).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich  
October 14, 2007



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